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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

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FILE: B-195876

DATE: June 16, 1980

MATTER OF: John D. Arndt - Temporary Duty Travel -
Lodging Expenses

DIGEST: Employee was on temporary duty assignment at Parker, Arizona, where he rented an apartment. He traveled to Las Vegas, Nevada, one weekend and to Van Nuys, California, another weekend. No official business was transacted at those locations. Since allowable travel expenses are confined to those prudently incurred and essential to official business, employee may not receive more than amount he would have received at temporary duty site. See FTR para. 1-1.3b. [Claim for additional weekend expenses] may not be paid.

This responds to a request for an advance decision by Blanche C. Ballard, an authorized certifying officer of the Engineering and Research Center, Bureau of Reclamation, Department of the Interior, Denver, Colorado. She seeks an opinion on the propriety of paying the claim of Mr. John D. Arndt, an employee of the Bureau of Reclamation who was stationed for a 90-day rotational field assignment with the Parker Field Office, Central Arizona Project.

Mr. Arndt began his 90-day rotational field assignment on February 20, 1979. He rented an apartment at the temporary duty site. On the nights of March 23 and 24 (Friday and Saturday) Mr. Arndt lodged in Las Vegas, Nevada, approximately 400 miles from his temporary duty location, and he spent Saturday night, March 31, 1979, in Van Nuys, California. Mr. Arndt had no official business in either of those two places. The question presented is whether the lodging expenses for these three nights may be included in computing his average lodging cost in Parker, Arizona, and if so, should the three nights of lodging at Parker, Arizona, be deducted before averaging?

Reimbursement for official travel is governed by the standards set forth in the Federal Travel Regulations (FTR), (FPMR 101-7) (May 1973). These regulations provide that in performing official travel a Government employee is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. FTR para. 1-1.3a. See B-192026, October 11, 1978. The Federal Travel Regulations also provide in para. 1-1.3b as follows:

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"Reimbursable expenses: Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of the official business."

In the circumstances of this case, Mr. Arndt himself defined what lodging expenses were reasonable and prudent by his actions in renting temporary quarters on a monthly basis at an approximate cost of \$9 per night. His prudent action in this regard, however, did not entitle him to make up the difference between his average lodging cost and the maximum allowable average cost of \$19 per day. See Norma J. Kephart, B-186078, October 12, 1976, where we refused to allow excessive meal expenses to an employee on temporary duty in a high rate geographical area who had obtained monthly lodging at a reduced rate.

Moreover, we do not believe it would be consistent with the intent of the Federal Travel Regulations to allow a greater lodging allowance for personal travel away from the temporary duty location than the amount Mr. Arndt incurred for his lodging at the temporary duty location. In the related area of employees who voluntarily return home on weekends, we have recently held that an employee may be reimbursed for the travel costs of returning home, but not in excess of the amount he would have been entitled to claim had he remained at the temporary duty station based on his average expenses at that station. Howard E. Johnson, B-195602, March 10, 1980, 59 Comp. Gen. ___. An employee, such as Mr. Arndt, who for personal reasons leaves the temporary duty station on a weekend should also not be reimbursed more than if he had remained at the station.

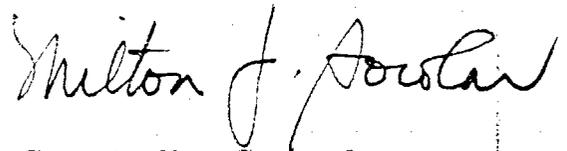
Since official business was not transacted at the off-duty locations in question and since reimbursable travel expenses are confined to those prudently incurred and essential to official business, there is no authority to allow the employee more for travel expenses than he would have been allowed had he stayed at Parker during the weekends in question. Here, Mr. Arndt incurred lodging expenses for rental of an apartment at his temporary duty station for which he has been reimbursed. We find no authority for reimbursement of the lodging expenses he incurred in either Las Vegas or Van Nuys.

Mr. Arndt believes the expenses should be approved because, before he incurred them, he was assured by the Fiscal Operations Supervisor that it was allowable to claim a second lodging

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anywhere in lieu of the lodging at his temporary duty station as long as only one incurred lodging cost was claimed and the total average lodging costs did not exceed the maximum allowable figure of \$19 per day for the time period claimed. It is unfortunate that Mr. Arndt was advised that the lodging costs in question would be eligible for averaging when in fact they are not properly allowable to him under applicable regulation. It is a well-settled rule of law, however, that the Government cannot be bound beyond the actual authority conferred upon its agents by statute or by regulations, and this is so even though the agent may have been unaware of the limitations on his authority. See 54 Comp. Gen. 747, 749 (1975) and cases cited therein. Therefore, there is no merit in the claimant's contention that the Government is estopped to deny the unauthorized or misleading advice.

In view of the foregoing, payment of the claim is not authorized.



Acting Comptroller General
of the United States